



13 SEP 2006

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of	:	
SCANLAN et al.	:	DECISION ON
Application No.: 10/532,489	:	
PCT No.: PCT/US03/33707	:	PAPERS
Int. Filing Date: 23 October 2003	:	
Priority Date: 23 October 2002	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 029065.51088US2	:	
For: A34 AND A33-LIKE 3DNS, PROTEINS,	:	
ANTIBODIES THERETO AND METHODS OF	:	
TREATMENT USING SAME	:	

This is a decision on applicants' "RENEWED REQUEST FOR STATUS UNDER 37 CFR § 1.42" filed on 07 July 2006, which was accompanied by, *inter alia*, a Supplemental Application Data Sheet.

BACKGROUND

On 23 October 2003, applicants filed international application PCT/US03/33707 which claimed a priority date of 23 October 2002 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 April 2005 (23 April 2005 being a Saturday).

On 22 April 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, an assertion of small entity status.

On 23 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 21 February 2006, applicants filed a submission which was accompanied by, *inter alia*, a declaration of the inventors. The indication in this declaration that inventor Matthew Scanlan is deceased was treated as a request for status under 37 CFR 1.42.

On 08 May 2006, a decision was mailed dismissing applicants' request for status under 37 CFR 1.42. Specifically, it was noted that the declaration did not include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name *and citizenship* of the deceased inventor (37 CFR 1.497(a)(3)) nor did the Application Data Sheet include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)).

On 07 July 2006, applicants filed the instant "RENEWED REQUEST FOR STATUS UNDER 37 CFR § 1.42", which was accompanied by, *inter alia*, a Supplemental Application Data Sheet.

DISCUSSION

The Supplemental Application Data Sheet clarifies the residence, mailing address, and citizenship of both the deceased inventor Matthew Scanlan and the legal representative Cynthia Scanlan. Accordingly, the application papers are now in compliance with 37 CFR 1.42. The declaration of inventors filed 21 February 2006 is now in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **21 February 2006**.



Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459